

HOUSE JOURNAL.

THIRTY-EIGHTH LEGISLATURE, FIRST CALLED SESSION.

PROCEEDINGS.

FIRST DAY.

Hall of the House of Representatives.
Austin, Texas,

Thursday, March 15, 1923.

In obedience to the proclamation of his excellency, Pat M. Neff, Governor of Texas, convening the Thirty-eighth Legislature to meet in special session at Austin, the seat of government, this, the 15th day of March, A. D. 1923, the members of the House of Representatives assembled in the Representative Hall and, at 10 o'clock a. m., the House was called to order by Hon. R. E. Seagler, Speaker.

Speaker Seagler then directed the Clerk to call the roll.

The roll was called and the following members were present:

| | |
|------------------|------------------|
| Abney. | Dinkle. |
| Amsler. | Downs. |
| Arnold. | Driggers. |
| Atkinson. | Duffey. |
| Baker of Milam. | Dunlap. |
| Baker of Orange. | Dunn. |
| Baldwin. | Edwards. |
| Barker. | Faubion. |
| Beasley. | Fields. |
| Bell. | Finlay. |
| Bird. | Fugler. |
| Blount. | Gipson. |
| Bryant. | Hardin of Erath. |
| Burmeister. | Hardin |
| Cable. | of Kaufman. |
| Carpenter | Harris. |
| of Dallas. | Henderson |
| Carpenter | of McLennan. |
| of Matagorda. | Hendricks. |
| Carson. | Howeth. |
| Carter of Coke. | Irwin. |
| Carter of Hays. | Jacks. |
| Chitwood. | Jennings. |
| Coffee. | Kemble. |
| Collins. | Lackey. |
| Covey. | Laird. |
| Cowen. | Lane. |
| Culp. | LeMaster. |
| Davis. | LeSturgeon. |
| Dielmann. | Lewis. |

Looney.
McBride.
McDaniel.
McDonald.
McFarlane.
McKean.
McNatt.
Martin.
Mathes.
Maxwell.
Melson.
Merritt.
Moore.
Morgan
of Liberty.
Morgan
of Robertson.
Pate.
Patman.
Patterson.
Perdue.
Pinkston.
Pool.
Pope.
Potter.
Purl.
Quaid.
Quinn.
Rice.
Robinson.
Rogers.
Rountree.

Russell
of Callahan.
Russell of Trinity.
Sackett.
Sanford.
Satterwhite.
Shearer.
Simpson.
Smith.
Sparkman.
Stell.
Stewart
of Edwards.
Stewart of Jasper.
Stewart of Reeves.
Stiernberg.
Storey.
Stroder.
Sweet.
Teer.
Thrasher.
Turner.
Vaughan.
Wallace.
Wells.
Westbrook.
Wessels.
Williamson.
Wilmans.
Wilson.
Winfree.
Young.

Absent.

| | |
|-------------|-------------|
| Avis. | Hughes. |
| Barrett. | Hull. |
| Bobbitt. | Johnson. |
| Bonham. | Jones. |
| Brady. | Lamb. |
| Crawford. | Loftin. |
| Davenport. | Lusk. |
| DeBerry. | Merriman. |
| Dodd. | Miller. |
| Durham. | Montgomery. |
| Frnka. | Price. |
| Green. | Rowland. |
| Greer. | Shires. |
| Harrington. | Stevens. |
| Henderson | Strickland. |
| of Marion. | Thompson. |
| Houston. | |

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

PROCLAMATION BY THE GOVERNOR.

The Speaker then laid the following proclamation by the Governor before the House, which was read as follows:

Whereas, The Regular Session of the Thirty-eighth Legislature, according to resolution heretofore adopted, will adjourn Wednesday, March 14th, without having made appropriation for the operating expenses of the Texas Government and her institutions; and

Whereas, It now seems apparent that revenue measures providing adequate funds for the proper support and maintenance of our public schools and eleemosynary institutions, for the coming two years, will not be enacted into laws; and

Whereas, On yesterday the Texas Senate smothered to death a bill providing that the courts of this country be vested with authority to remove from office an officer against whom it had been proven in open court and before a jury that he had wilfully and corruptly failed and refused to enforce the laws of the country; and

Whereas, The Texas Senate has so far failed to pass on the House bill which has been on its calendar for some days, providing an effective method of punishing outlaws who openly and unfearingly manufacture and sell whiskey in Texas; and

Whereas, There are some real constructive legislative measures that ought to be enacted into laws for the growth and on-going of Texas which have not yet been passed;

Now, therefore, I, Pat M. Neff, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution of the State of Texas, in Article 4, Section 8, do hereby call the Thirty-eighth Legislature in extraordinary session to convene in the City of Austin, Texas, at ten o'clock, Thursday morning, March 15, A. D. 1923, for the following purposes, to-wit:

1. To provide sufficient funds by every means known to the Constitution and statutes of Texas to properly maintain our public schools, our eleemosynary asylums, our Texas Government, and all her institutions.

2. To make appropriations within

the available revenue for the support and maintenance of our schools, our State eleemosynary institutions, and the Texas Government.

3. To vest the courts of Texas with effective authority to remove from office any officer against whom it can be proven in open court and before a jury, that such officer has wilfully and corruptly failed and refused to enforce, as he took an oath to enforce, the laws of the country.

4. To pass such laws as will make effective the provisions of the Federal Constitution and the provisions of the Texas Constitution which prohibit the manufacture and sale of intoxicating beverages.

5. To consider and act upon such matters of vital constructive importance as may be presented by the Governor pursuant to Section 40, Article 3, of the Constitution of Texas.

In testimony whereof, I have hereunto signed my name officially, and caused to be impressed hereon the seal of the State, at the City of Austin, Texas, this the 10th day of March, A. D. 1923.

(Signed) PAT M. NEFF,
Governor.

By the Governor:

(Signed) S. L. STAPLES,
Secretary of State.

Filed in the office of the Secretary of State this 10th day of March, A. D. 1923.

(Signed) S. L. STAPLES,
Secretary of State.

United States of America,
State of Texas.

I, S. L. Staples, Secretary of State of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of the Proclamation issued by Pat M. Neff, Governor of Texas, calling a Special Session of the Thirty-eighth Legislature to convene in the City of Austin, Texas, at ten o'clock a. m., Thursday, March 15, 1923, as said Proclamation now appears of record in this Department.

In testimony whereof, I have hereunto signed my name officially, and caused the Seal of State to be hereon impressed at the City of Austin, Texas, this the 15th day of March, A. D. 1923.

(Seal) S. L. STAPLES,
Secretary of State.

COMMITTEE TO NOTIFY GOVERNOR
AND SENATE.

Mr. Moore offered the following resolution:

Resolved, That the Speaker appoint two committees of three members each, one of said committees to notify the Governor and the other to notify the Senate that the House is now organized and ready for the transaction of business.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committees:

To notify the Governor: Messrs. Lackey, Turner and Cable.

To notify the Senate: Messrs. Chitwood, Sanford and Martin.

HOUSE NOTIFIED.

A committee from the Senate appeared at the bar of the House, and, being duly announced, notified the House that the Senate is now organized and ready for the transaction of business.

SENATE NOTIFIED.

The committee appointed to notify the Senate that the House is organized and ready for the transaction of business appeared at the bar of the House, and, being duly announced, reported that they had performed the duty assigned them.

GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House is organized and ready for the transaction of business appeared at the bar of the House, and, being duly announced, stated that they had performed the duty assigned them.

PROVIDING FOR ADJOURNMENT
SINE DIE.

Mr. Patman offered the following resolution:

H. C. R. No. 1. Fixing date for adjournment sine die.

Resolved by the House of Representatives, the Senate concurring, That the First Called Session of the Thirty-eighth Legislature adjourn sine die March 15, 1923, at 11 o'clock a. m.

Signed—Patman, Carpenter of Dallas, Wessels, Laird, Carpenter of Matagorda.

The resolution was read second time.

Mr. Westbrook moved the previous question on the pending resolution, and the motion was duly seconded.

Question recurring on the motion for the previous question, yeas and nays were demanded.

The previous question was then ordered by the following vote:

Yeas—84.

| | |
|-----------------|---------------------|
| Amsler. | Melson. |
| Arnold. | Merritt. |
| Baldwin. | Moore. |
| Barker. | Morgan |
| Beasley. | of Liberty. |
| Bell. | Morgan |
| Bird. | of Robertson. |
| Blount. | Pate. |
| Bonham. | Patman. |
| Bryant. | Patterson. |
| Burmeister. | Perdue. |
| Carpenter | Pinkston. |
| of Dallas. | Pope. |
| Carpenter | Potter. |
| of Matagorda. | Quinn. |
| Carson. | Rice. |
| Carter of Coke. | Robinson. |
| Culp. | Rogers. |
| Davis. | Russell |
| Dielmann. | of Callahan. |
| Dinkle. | Russell of Trinity. |
| Downs. | Sackett. |
| Driggers. | Sanford. |
| Duffey. | Satterwhite. |
| Dunlap. | Shearer. |
| Dunn. | Simpson. |
| Edwards. | Smith. |
| Faubion. | Sparkman. |
| Finlay. | Stell. |
| Fugler. | Stewart |
| Gipson. | of Edwards. |
| Harris. | Stewart of Jasper. |
| Howeth. | Stewart of Reeves. |
| Jacks. | Stiernberg. |
| Jennings. | Storey. |
| Laird. | Stroder. |
| Lane. | Sweet. |
| LeMaster. | Teer. |
| LeStourgeon. | Thrasher. |
| Lewis. | Vaughan. |
| McBride. | Wallace. |
| McDaniel. | Wells. |
| McDonald. | Westbrook. |
| McKean. | Wessels. |
| McNatt. | Williamson. |
| Mathes. | Wilson. |
| Maxwell. | Young. |

Nays—21.

| | |
|------------------|------------------|
| Abney. | Fields. |
| Atkinson. | Hardin of Erath. |
| Baker of Milam. | Hardin |
| Baker of Orange. | of Kaufman. |
| Carter of Hays. | Henderson |
| Coffee. | of McLennan. |
| Collins. | Hendricks. |
| Covey. | Irwin. |
| Cowen. | Kemble. |

Looney.
Purl.
Quaid.

Absent.

Avis.
Barrett.
Bobbitt.
Brady.
Cable.
Chitwood.
Crawford.
Davenport.
DeBerry.
Dodd.
Durham.
Frnka.
Green.
Greer.
Harrington.
Henderson
of Marion.
Houston.
Hughes.
Hull.

Johnson.
Jones.
Lackey.
Lamb.
Loftin.
Lusk.
McFarlane.
Martin.
Merriman.
Miller.
Montgomery.
Pool.
Price.
Rountree.
Rowland.
Shires.
Stevens.
Strickland.
Thompson.
Turner.

Question recurring on the resolution,
yeas and nays were demanded.

The resolution was adopted by the
following vote:

Yeas—70.

Amsler.
Baldwin.
Barker.
Bell.
Bird.
Bryant.
Burmeister.
Carpenter
of Dallas.
Carpenter
of Matagorda.
Carter of Coke.
Culp.
Davis.
Dielmann.
Dinkle.
Downs.
Driggers.
Duffey.
Edwards.
Finlay.
Fugler.
Hardin of Erath.
Hardin
of Kaufman.
Harris.
Howeth.
Jennings.
Laird.
Lane.
LeMaster.
LeSturgeon.
McBride.

McDaniel.
McDonald.
McKean.
McNatt.
Martin.
Mathes.
Melson.
Merritt.
Moore.
Morgan
of Liberty.
Pate.
Patman.
Perdue.
Pope.
Potter.
Quinn.
Rice.
Rogers.
Russell
of Callahan.
Russell of Trinity.
Sackett.
Sanford.
Shearer.
Shires.
Simpson.
Smith.
Stell.
Stewart
of Edwards.
Stewart of Jasper.
Stewart of Reeves.

Storey.
Stroder.
Sweet.
Teer.
Turner.
Vaughan.

Wallace.
Wells.
Westbrook.
Wessels.
Williamson.
Wilson.

Nays—43.

Abney.
Arnold.
Atkinson.
Baker of Milam.
Baker of Orange.
Beasley.
Blount.
Bonham.
Carson.
Carter of Hays.
Chitwood.
Coffee.
Collins.
Covey.
Cowen.
Dunlap.
Dunn.
Faubion.
Fields.
Gipson.
Henderson
of McLennan.
Hendricks.

Irwin.
Jacks.
Kemble.
Lewis.
Looney.
McFarlane.
Maxwell.
Morgan
of Robertson.
Patterson.
Pinkston.
Pool.
Purl.
Quaid.
Robinson.
Rountree.
Satterwhite.
Sparkman.
Stiernberg.
Thrasher.
Wilmons.
Winfree.
Young.

Absent.

Avis.
Barrett.
Bobbitt.
Brady.
Cable.
Crawford.
Davenport.
DeBerry.
Dodd.
Durham.
Frnka.
Green.
Greer.
Harrington.
Henderson
of Marion.
Houston.

Hughes.
Hull.
Johnson.
Jones.
Lackey.
Lamb.
Loftin.
Lusk.
Merriman.
Miller.
Montgomery.
Price.
Rowland.
Stevens.
Strickland.
Thompson.

Mr. Burmeister moved to reconsider
the vote by which the resolution was
adopted, and to table the motion to re-
consider.

The motion to table prevailed.

THANKING NEWSPAPER RE- PORTERS.

Mr. Purl moved that the House, by
a rising vote, extend thanks to the news-
paper reporters for their splendid serv-
ice during the Thirty-eighth Legislature.
The motion prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 15, 1923.

Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
passed

H. C. R. No. 1, Relating to adjourn-
ment sine die.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

RESOLUTION SIGNED BY THE
SPEAKER.

The Speaker signed, in the presence of
the House, after giving due notice there-
of and its caption had been read, the
following enrolled resolution:

H. C. R. No. 1. Relating to adjourn-
ment sine die.

COMMITTEES TO NOTIFY GOV-
ERNOR AND SENATE.

Mr. Westbrook offered the following
resolution:

Resolved, That the Speaker appoint
two committees of three members each,
one to notify the Governor and the other
to notify the Senate that the House has
completed its labors and is now ready
to adjourn.

Signed—Westbrook, Simpson, LeStour-
geon.

The resolution was read second time
and adopted.

In accordance with the above action,
the Speaker announced the appointment
of the following committees:

To notify the Governor: Messrs.
Westbrook, Bryant and McNatt.

To notify the Senate: Messrs. Le-
Sturgeon, Simpson and Finlay.

EXTENDING THANKS TO THE
SPEAKER.

Mr. Rogers moved that the thanks of
the House be extended to Speaker Seag-
ler by a rising vote for the kind and
courteous treatment he has shown to
the members during the Regular Session
of the Thirty-eighth Legislature.

The motion prevailed.

GOVERNOR NOTIFIED.

The committee appointed to notify
the Governor that the House has com-
pleted its labors and is now ready to
adjourn sine die appeared at the bar
of the House, and, being duly announced,
reported that they had performed the
duty assigned them.

SENATE NOTIFIED.

The committee appointed to notify the
Senate that the House has completed its
labors and is now ready to adjourn sine
die appeared at the bar of the House,
and, being duly announced, reported that
they had performed the duty assigned
them.

HOUSE NOTIFIED.

A committee from the Senate ap-
peared at the bar of the House and,
being duly announced, notified the House
that the Senate has completed its la-
bors and is now ready to adjourn sine
die.

ADJOURNMENT SINE DIE.

Speaker Seagler then announced that
the hour, 11 o'clock a. m., fixed by con-
current action of the two houses for the
final adjournment of the First Called
Session of the Thirty-eighth Legislature,
had arrived, and he pronounced the
House adjourned without day.

APPENDIX.

REPORT OF COMMITTEE ON EN-
ROLLED BILLS.

Committee Room,
Austin, Texas, March 15, 1923.

Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 1, Providing for adjourn-
ment sine die.

Resolved by the House of Representa-
tives, the Senate concurring, That the
First Called Session of the Thirty-
eighth Legislature adjourn sine die
March 15 at 11 o'clock a. m.

Have carefully compared same and
find it correctly enrolled.

HENDRICKS, Chairman.